



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,116	08/18/2003	Harry E. Emerson	2003-5	3531

34587 7590 06/27/2005

HARRY E. EMERSON
35 OAKWOOD VILLAGE
SUITE 9
FLANDERS, NJ 07836

EXAMINER

LIANG, REGINA

ART UNIT	PAPER NUMBER
----------	--------------

2674

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,116	Applicant(s) EMERSON, HARRY E.	
	Examiner Regina Liang	Art Unit 2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-10 have been examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-10 taken as a whole is directed merely to a computer software program recited as being a computer software element operating in an environment of a computer system as a whole and nothing more. Thus, taken as a whole, the scope of claims 1-10 amounts to merely a computer software program, without any computer-readable medium executable by a computer to realize the potential functionality of the program.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 5 are confusing since it is not understood how a computer software element comprise “means” which are physical elements.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 5, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowie (US. PAT. NO. 5,856,786 hereinafter Bowie) in view of Avila (US. PAT. NO. 4,799,049) and Ogura et al (US. PAT. NO. 5,907,327 hereinafter Ogura).

As to claims 1, 5, 9, 10, Bowie discloses computer system comprising a computer keyboard with a CAPS LOCK key to activate a CAPS LOCK mode, the CAPS LOCK mode causes typed alphabetic characters on the display screen to be displayed in capital letters. Bowie does not disclose presenting a mouse pointer on a display screen of the computer, wherein the mouse pointer indicating the position where mouse events will take place, and the mouse pointer has one design when the computer system is not in the CAPS LOCK mode and the mouse pointer has a second design when the computer system is in the CAPS LOCK mode.

However, it is well known in the art that a computer display having a mouse pointer (cursor), the cursor indicating the position where the mouse events will take place (see Avila col. 1, lines 6-49 for example). It is also well known in the art that when a input mode of a input device is changed to a lock mode the cursor is also changed a shape which is different from the unlock mode cursor icon shape, for example see Ogura abstract, col. 6 lines 56-67, Figs. 3A, 3B. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the computer

Art Unit: 2674

system of Bowie to have the mouse pointer indicating the position where mouse events will take place as taught by Avila to provide a visual feedback indicator to the user and further to have the mouse pointer to be in one design when the computer system is not in the CAPS LOCK mode and the mouse pointer to be in a second design when the computer system is in the CAPS LOCK mode as taught by Ogura to visually distinguish the two modes to the user in an easily recognizable way.

8. Claims 2-4, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowie as modified by Avila and Ogura as applied to claims 1 and 5 above, and further in view of Iesaka (US PAT. PUB. 2003/0201971).

Bowie does not explicitly disclose the operation of the cursor display (software element) is implemented in an operating system, an application program, or an add-in module. However, it is old and well known in the art that the cursor display (software element) is implemented in an operating system, an application program, or an add-in module, for example see Iesaka section [0072]. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the computer system of Bowie to implement the operation of cursor display (software element) in an operating system, an application program, or an add-in module as is conventional in the art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

Art Unit: 2674

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Regina Liang
Primary Examiner
Art Unit 2674

6/23/05